

Activities and Recommendations

**An independent
voice for families
and children.**

Office of the
Family & Children's
Ombudsman
2000 Annual Report

"It's disturbing to know that children who are already in the state's care, need protection at times from the system designed to alleviate their suffering. I suppose one reveals a certain naiveté to be surprised by this. As a citizen, I am grateful to you and your staff for the efforts you make to hold a much-needed system accountable."

—Community Leader, Walla Walla

"Thank you for fulfilling the promise of the Ombudsman's office. You clearly are providing much needed policy direction, and the necessary background information and research, to help policy makers actually change how the system works. Your thorough and diligent work is greatly appreciated."

—Washington State Legislator, Olympia

Activities and Recommendations

Covering the period
through December 31, 2000

Office of the
Family & Children's
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STATE OF WASHINGTON

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

January 2001

To the Residents of Washington State:

I am pleased to present the Year 2000 report of the Office of the Family and Children's Ombudsman.

The past year has been our busiest ever. We responded to a record number of citizen inquiries and complaints. Inquiries to our office increased by five percent, while the number of complaints we received increased by eight percent. For the first time ever, the issue most frequently identified in complaints to our office related to the safety of children.

It has also been a difficult year. The tragic death of three-year-old Zy'Nyia Nobles reminded us of the vulnerability of children that are served by the child protection system. At the time of her death, Zy'Nyia was dependent and living under state supervision with her mother. Her mother has been charged with homicide by abuse. Following her death, we reviewed her case and presented our findings to a community fatality review team convened by the Department of Social and Health Services (DSHS). We have included our findings in this report.

In light of our experience this year with child safety issues, we have developed several recommendations aimed at strengthening the state's protection of children. These include changes to state law, proposals to expand current resources, and suggestions for strengthening DSHS's administration of child protective services. These too are included in this report.

Finally, I want to share one of the year's most exciting projects: our Foster Youth Appreciative Interview Project. This project was designed to help us learn what's working best in the foster care system. We conducted individual interviews of 32 young people to elicit their stories about their best experiences in foster care. We were quite moved by the stories we heard. Our experience with this project, which is described in this report, has led us to conclude that this approach should be used by DSHS and other agencies as a means for improving the experience of young people while they are in foster care. We are extremely grateful to the young people who participated in these interviews, and to the foster parents and caseworkers who helped make them possible.

On behalf of all of us at the Office of the Family and Children's Ombudsman, I want to thank you for your interest in our work. We greatly appreciate the opportunity to serve the families and children of Washington State.

Sincerely,

A handwritten signature in black ink that reads "Vickie Wallen".

Vickie Wallen
Director Ombudsman

The Mission of the Office of the Family and Children's Ombudsman is...to protect children and parents from harmful agency action or inaction; and to ensure that agency officials and state policy makers are aware of chronic and serious problems in the child protection and child welfare system so they can improve services.

—Adopted 1998

Regional Advisory Committee Members

Western Washington Committee

Peter Berliner
The Children's Alliance,
Seattle

Martha Bird, M.D.
Child, Adolescent and
Adult Psychiatrist, Silverdale

Jane Boyajian
Children's Commission
of Pierce County, Tacoma

Shirley Caldwell
Therapeutic Health Services,
Seattle

Kikora Dorsey
Washington Council for
the Prevention of Child Abuse
and Neglect, Seattle

Lori Garvin
Parents Coping with
Child Protective Services, Tacoma

Jack Hill
Pierce County Department
of Assigned Counsel, Tacoma

Dennis Ichikawa
Casey Family Programs,
Seattle

Marie Jamieson
Washington Families
for Kids Partnership, Seattle

Susan Kemp
University Of Washington
School of Social Work, Seattle

Jane Koetje
Island County
Public Defense, Coupeville

Robert Lipke
Lummi Nation Child Protection
Project, Bellingham

John Neff, M.D.
Children's Hospital and Regional
Medical Center, Seattle

Valerie Norris
YWCA of Clark County
Court Appointed Special Advocate,
Vancouver

Edith Owen
Relatives Raising Children
Program, Tacoma

Gary Preble
Private Attorney,
Olympia

Virginia Wilkins/Carol Huard
Clallam County
Court Appointed Special Advocate,
Port Angeles

Larry Stephenson
Foster Parents Association
of Washington State, Anacortes

Central Washington Committee

Sue Baker
Chelan/Douglas County
Court Appointed Special Advocate,
Wenatchee

Dan Fessler
Yakima County Department
of Assigned Counsel, Yakima

Audrey Fetters
Yakima County Juvenile Court,
Yakima

Merja Kehl
Mental Health Therapist,
Wenatchee

Laurie Leaverton
Yakima County
Court Appointed Special Advocate,
Yakima

Sherrie Mashburn
Parents Are Vital in Education,
Sunnyside

Pat Nilson
Catholic Family Services,
Richland

Patty Orona
Foster Parents Association
of Washington State, Yakima

Mary Ann Warren
Catholic Family
and Child Service, Wenatchee

Ombudsman

A public official appointed to serve

as an independent voice for citizens
who believe they have been treated wrongly
or unfairly by a government agency.

The 1996 Washington State Legislature wanted to ensure that abused and neglected children and their parents are served reasonably and fairly by government agencies. The Legislature created the Office of the Family and Children’s Ombudsman to intervene when children or their parents are subjected to unauthorized or unreasonable agency decisions. The Legislature also empowered the Ombudsman to recommend changes for improving the system that serves children and families.

Eastern Washington Committee

Greg Casey
Private Attorney,
Spokane

Michelle Cutlip
Spokane County
Court Appointed Special Advocate,
Guardian Ad Litem, Spokane

Art Harper
Foster Parent Liaison,
Spokane

Senator John Moyer, M.D.
Former State Senator,
Washington’s Third District, Spokane

Miles and Joyce Stookey
Second Timers Support Group,
Spokane

Windy Tevlin
Whitman County
Court Appointed Special Advocate,
Colfax

Rosey Thurman
Team Child,
Spokane

Dave Williams
Casey Family Partners,
Spokane

The three most important features of an Ombudsman are:

Independence—Impartiality—Confidentiality.

With these three elements in mind, the Legislature made the Office of the Family and Children’s Ombudsman a part of the Office of the Governor, separating it from other agencies.

It established a three-year term office for the director Ombudsman, who is appointed by the Governor and approved by the Senate.

The Legislature intended for the Ombudsman to approach its duties with objectivity and impartiality. To encourage citizens to come forward with their concerns, the Legislature required the Ombudsman to protect their confidentiality, and exempted Ombudsman records from public disclosure requirements and the civil litigation process.

The Legislature also provided the Ombudsman with access to information and records held by the Department of Social and Health Services (DSHS), and authorized the Ombudsman to receive confidential information from other agencies and service providers.¹

1. Office of the Family and Children’s Ombudsman authorizing statute is RCW 43.06A.

Anyone can make an inquiry.

“Where do I go for help?”

An important responsibility of the Ombudsman is responding to inquiries. Citizens often do not know where to go with their questions or concerns about services provided by government agencies. Most inquiries are from families and local service providers requesting information or help with a problem involving the child protection or child welfare system. The Ombudsman responds to these inquiries directly. If an inquiry is outside the scope of the Ombudsman’s responsibilities, the caller is referred to an agency that can help.

The Ombudsman responds to an inquiry.

The Office of the Family and Children’s Ombudsman was contacted by a DSHS caseworker of an 11 year-old dependent child with severe mental health problems. The child had been exhibiting psychotic episodes and had many problems that needed to be assessed by a child psychiatrist. The caseworker explained that he’d been trying to obtain a psychiatric evaluation for the child for the past year, and was extremely frustrated. He had made an initial referral to a mental health agency in the county in which the child was living, who told him a month later that they could not provide the evaluation, and referred him to another mental health agency serving that county. The second agency told the caseworker after another month had gone by,

(continued on next page...)

Anyone can file a complaint.

“A child is at risk and I can’t get anyone to respond.”

More Ombudsman time is spent investigating complaints than any other task. A complaint to the Ombudsman must involve an act or failure to act by a government agency that affects:

- a child potentially at risk of abuse, neglect or other harm.
- a child or parent that has been the subject of allegations or findings of child abuse or neglect, or parental incapacity.

A complaint form is required to begin an Ombudsman investigation. It requests the name, address, and phone number of the person making the complaint. It asks the relationship of this person to the child. It includes questions about the family; custody or supervision of the child; steps taken to resolve the problem; the subject of the complaint; a statement of the facts; and the action requested. It also asks how the person heard about the Office of the Family and Children’s Ombudsman.

Complaint forms are available in English, Spanish, Russian, Vietnamese, and Braille. They may be obtained by contacting the Ombudsman office in Tukwila by phone, mail, or internet Web site.

The complaint form is not required in these circumstances:

Imminent Risk of Harm—Individuals who believe a child or parent is at risk of imminent harm caused an agency’s action or failure to act, may ask the Ombudsman for immediate assistance.

Individuals Requiring Assistance—Anyone who is unable to complete the form, or requires disability accommodation, may contact the Ombudsman for assistance.

Complaint and investigation records are confidential by law. Information given to the Ombudsman is not public information.

Names of people filing complaints are not revealed without their permission.

Complaint and investigation records cannot be subpoenaed for judicial or administrative proceedings, or obtained through civil discovery. Complaint and investigation information is entered into the Ombudsman's confidential data base to study complaint trends and patterns, as well as investigative findings and results. The charts and graphs published in this report were created from information collected in this data base.

Every complaint is investigated and reviewed by an Ombudsman team that includes two social workers, an attorney and the director Ombudsman. Investigations begin within 15 working days of receiving the complaint.

The lead Ombudsman assigned to the case contacts the individual to review the complaint. Agency staff and others are interviewed and agency records are examined. The lead Ombudsman writes an investigative report with findings and analysis on the agency's alleged conduct. This confidential report is available only to the Ombudsman team.

The Ombudsman acts as an impartial fact-finder, not as an advocate.

The Ombudsman will take action on a complaint if it determines the following three criteria are met:

1. The alleged action or failure to act did occur,
2. It violated law, policy, or procedure.
Or—it was clearly inappropriate or unreasonable, and
3. It was harmful to the child's safety, health, well-being, or right to a permanent family.
Or—it was harmful to appropriate family preservation, contact or reunification.

The decision is explained to the person who filed the complaint and a follow-up letter documents the decision. If the Ombudsman determines that action is not warranted, the person is directed to other resources that may be of assistance.

(...continued from last page.)

that they, too, could not provide this evaluation, and referred him to the nearest children's hospital. After some time, the hospital informed the caseworker that they did not have any child psychiatrists and could not provide this service either. The caseworker was referred back to the local regional service network (RSN). A full year later, the child still had no psychiatric evaluation, and was still exhibiting serious problems. The caseworker felt he had exhausted all of the avenues available to him to try and meet this child's needs. He had called the Ombudsman to see if there was anywhere else he might go to get services for this child.

An Ombudsman contacted the director of the RSN to find out why this child had been unable to receive needed services. Although the reasons for the delays were never clarified, the RSN director immediately arranged for an evaluation by a local private child psychiatrist. The Ombudsman is investigating possible systemic problems with obtaining mental health services for children in this and other areas of the State.

Action may involve:

Intervention—work with the agency to change the current course of action to one that is authorized and reasonable.

Administrative Notification of Findings—document and notify the agency of the Ombudsman’s concerns about past agency action or failure to act.

Systemic Investigation—examine law, policy, or procedures that may require change.

If action is taken, the person who filed the complaint is updated on progress and the outcome of the case. The investigative report remains confidential and is never released. However, this annual report includes investigation decisions, actions and recommendations from the reporting year.

The Ombudsman discovers a violation of legal procedure in terminating a parent’s rights.

A child’s birth mother contacted the Ombudsman to complain that the Division of Children and Family Services (DCFS) had failed to provide her with notice of proceedings to terminate her parental rights. The mother was living in Alaska, and her now 12-year-old child had been removed from her care in 1989 by Alaskan child welfare authorities when he was 14 months old, due to neglect and the mother’s substance abuse. He had later been placed with his father in Seattle. Mother and child had no further contact. The mother had been contacted by Washington State DCFS in 1997, informing her that her son was in foster care. She then received a notice by certified mail of the dependency proceeding. DCFS later contacted the mother by phone and informed her that the department was considering returning the child to his father’s care, or alternatively, placing him with a paternal relative. The mother expressed interest in having her son placed with her, and DCFS requested

a home study through Alaska DYFS. The mother told the Ombudsman that she completed the home study, but did not hear anything further from DCFS. She subsequently discovered that her parental rights had been terminated.

The Ombudsman reviewed the DCFS and court files, and found that the DCFS social worker had spoken to the mother several times in 1997, and in January 1998 spoke with the social worker in Alaska who was doing the home study. In September 1998, DCFS filed a petition to terminate the mother’s parental rights. The petition stated “the mother’s whereabouts have been unknown since she abandoned the child at six months of age.” Notice of the termination proceeding was published in an Alaska newspaper. There was no documentation of any attempt to notify the mother of this termination proceeding by phone or by letter. The Ombudsman notified DCFS, which agreed to investigate this matter further.

2000 summary.

Data in this report is based on information collected from September 1, 1999 to August 31, 2000.

Inquiries

Out of 1,580 contacts to the Office of the Family and Children's Ombudsman, 82 percent were inquiries, a five percent increase over the year before. The Ombudsman received 1,272 inquiries at an average rate of 25 inquiries per week.

Sixty-seven percent wanted basic information on how the Ombudsman could help, how to file a complaint, and how to get a complaint form. If their concern involved the Department of Social and Health Services (DSHS) Children's Administration, the right to contact the Office of Constituent Relations was explained.

About 13 percent concerned laws, policies, and procedures for child protection and child welfare services. The Ombudsman does not provide legal advice, however legal rights and responsibilities were explained.

About 20 percent concerned other government services. The Family and Children's Ombudsman found out who to contact, and referred these people to agencies that could help.

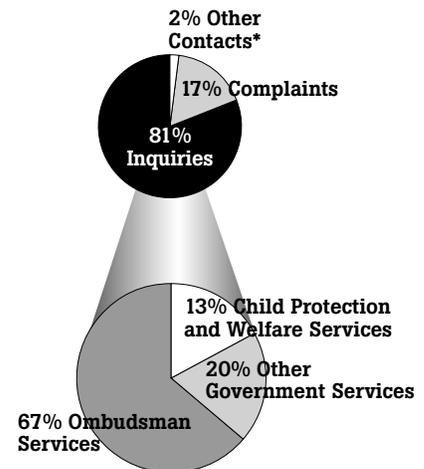
Complaints

Over the past year, complaints increased eight percent. The Office of the Family and Children's Ombudsman received 269 complaints. Complaints received from Eastern and Western Washington were in proportion to their populations.

During the reporting year, individuals contacted the Office of the Family and Children's Ombudsman 1,580 times.

1,272 of these contacts were inquiries.

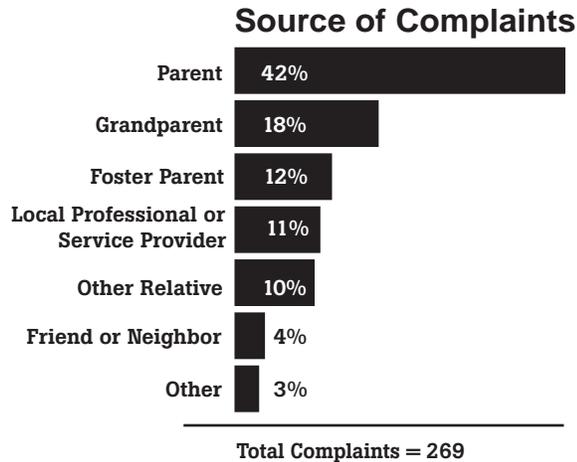
Contacts to the Ombudsman Office



* Other Contacts—includes information provided to the Ombudsman with no request for a response or further action.

Who complained.

Parents and relatives filed the most complaints.



Complaints filed by local professionals such as doctors, teachers, and other service providers increased by two percent from the year before.

The Ombudsman received just one complaint from a young person.

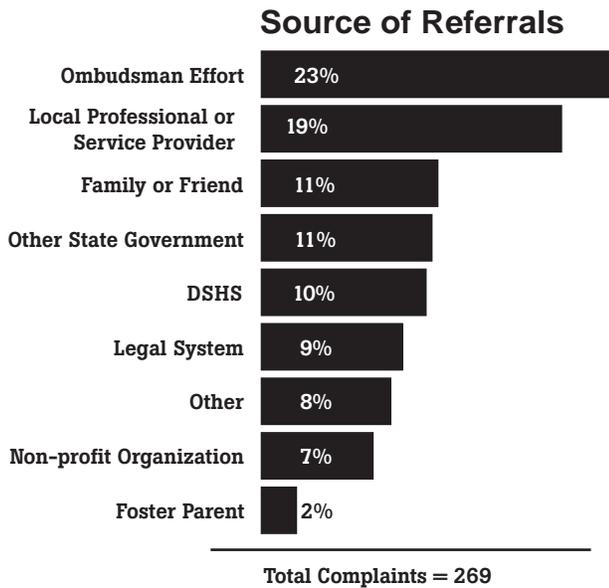
Other from Graph

Child, DSHS employee, court appointed special advocate, guardian ad litem, legal guardian, public defender, and state legislator.

How they heard about the Ombudsman.

Many individuals filing complaints indicated that they found the Family and Children’s Ombudsman as a result of the office’s own visibility and outreach efforts.

The number of individuals referred to the Ombudsman by local professionals and service providers nearly doubled from last year.



Categories from the Graph.

Ombudsman Effort: presentations, workshops, conferences, internet Web site, media, and former complainants.

Local Professional or Service Provider: doctors, teachers, counselors, mental health professionals, and day care workers.

Other State Government: Offices of the Governor and Attorney General, legislative offices, and agencies other than DSHS.

DSHS: caseworkers and other agency personnel.

Legal System: public defenders, private attorneys, court appointed special advocates, and guardians ad litem.

Other: telephone directory assistance, library, agency from another state, unaffiliated individual, and persons who did not identify who referred them.

Non-Profit Organization: American Civil Liberties Union, Northwest Justice Project, domestic violence organizations, and other advocacy organizations.